

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 21, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FAUSTINO S.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

NO: 1:21-CV-3004-RMP

ORDER GRANTING PARTIES'
STIPULATED MOTION TO REMAND

BEFORE THE COURT is the parties' Stipulated Motion for Remand pursuant to sentence four of 42 U.S.C. §405(g). ECF No. 19. Plaintiff Faustino S.¹ is represented by Attorney D. James Tree. The Defendant is represented by Special Assistant United States Attorney David J. Burdett.

After consideration, **IT IS HEREBY ORDERED** that the parties' Stipulated Motion for Remand, **ECF No. 19**, is **GRANTED**. Pursuant to the parties'

¹ The Court uses Plaintiff's first name and last initial to protect his privacy.

1 stipulation, the Commissioner's final decision is reversed and remanded for further
2 proceedings pursuant to sentence four of 42 U.S.C. §405(g). Upon remand to the
3 Commissioner of Social Security, the Appeals Council should instruct the
4 Administrative Law Judge to:

- 5 • Offer Plaintiff an opportunity for a new hearing;
- 6 • Reevaluate all medical and testimonial evidence, including the evidence
7 submitted to the Appeals Council;
- 8 • Continue the sequential evaluation process; and
- 9 • Issue a new decision.

10 Upon proper presentation, this Court will consider Plaintiff's application for
11 costs and attorney's fees under 28 U.S.C. § 2412(d).

12 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Summary
13 Judgment, **ECF No. 13**, is **DENIED AS MOOT**.

14 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
15 Order and provide copies to counsel, enter judgment in favor of Plaintiff, and **close**
16 **the file**.

17 **DATED** September 21, 2021.

18
19 *s/ Rosanna Malouf Peterson*
20 ROSANNA MALOUF PETERSON
21 United States District Judge